IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2281 OF 2005

Raghuram Sakharam Mahadik & Anr ...Petitioners

Versus

Smt. Bharti Jaydev Ramteke ...Respondent

.....

Mr. Surendra Tatkare with sSantosh Jagtap, counsel for Petitioners.

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CORAM: B. H. MARLAPALLE, J.

DATED: 28TH APRIL, 2005

P. C.:-

1. Heard the learned counsel for the petitioner.

2. In Regular Civil Suit No. 62 of 2004 an application at Exh.20 was filed for appointment of Court Commissioner to undertake local investigation of the suit property. This was opposed by the defendants. The application has been allowed by the impugned order dated 3.1.2005 by the learned C.J.J.D. at Dapoli.

3. The learned Judge noted that the application was filed to bring on record the existence of road which was the subject matter of the suit and there was no other alternative to plaintiff to bring on record

factual position of the road. The order does not cause any prejudice to the petitioner. In the facts of this case no fault could be found with the order passed and, therefore, it does not call for any interference.

4. The writ petition is, therefore, rejected summarily.

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